TELEGRAPH AND TELEPHONE COMPANIES—NEGLIGENCE—LIABILITY FOR FAILURE OF SERVICE.—SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY V. THOMAS, 185 S. W. (TEX.) 396.—Plaintiff was unable to cope with a fire which had started in his residence. As a result of the central telephone operator being asleep while on duty. he was unable to call the fire department until fifteen minutes had passed. Due to this delay, the fire had reached the upper part of the house at the arrival of the fire department, and was beyond its control, as the water pressure was insufficient to throw the water to that height. *Held,* plaintiff could not recover on the ground that the negligence of the defendant was not shown to have been the proximate cause of the loss.

In case of failure to provide prompt and efficient service, telephone and telegraph companies are responsible for losses which are the proximate result. *Vinsone v. So. Beil Tel. & Tel. Co.,* 188 Ala. 292; *Veitch v. W. U. Tel. Co.,* 59 So. (Ala.) 352. The loss must be such as persons of ordinary care and forethought could have contemplated as a consequence of the breach. *Chicago v. Starr,* 42 Ill. 174. Thus, the delay was not the proximate cause of the death of a horse, where a telephone company negligently failed to deliver a message for a veterinary. *Centr. U. Tel. Co. v. Swoveland,* 42 N. E. (Ind.) 1035. Similarly, where a company failed to deliver a message to a witness, who, plaintiff claimed, would have turned a suit in his favor. *Martin v. Tel. & Tel. Co.,* 18 Wash. 260; and where a torn up street prevented a fire engine reaching a fire, it was held such negligence was not a proximate cause. *Hazel v. Owensboro,* 30 Ky. L. R. 627. The decision in the principal case, holding that the spreading of a fire can hardly be called a proximate result of a delay in making telephone connections, is in accord with the present weight of authority, but it offers a practical opportunity for the extension of this doctrine.

S. J. T.